

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

06-cr-141-bbc-02

LISA M. HARDING,

Defendant.

A hearing on the probation office's petition for judicial review of Lisa Harding's supervised release was held on April 13, 2010, before United States District Judge Barbara B. Crabb. The government appeared by Assistant United States Attorney John W. Vaudreuil. Defendant was present in person and by Supervising Associate Federal Defender Michael W. Lieberman. Also present was Senior United States Probation Officer Shawn Robinson.

From the parties' stipulation and the record I make the following findings of fact.

FACTS

Defendant was sentenced in the Western District of Wisconsin on November 8, 2006, following her conviction for bank robbery in violation of 18 U.S.C. § 2113(a). This

offense is a Class C felony. Defendant was committed to the custody of the Bureau of Prisons to serve a term of imprisonment of 55 months, with a three-year term of supervised release to follow.

Defendant began the three-year term of supervised release on March 5, 2010. In anticipation of a delay in her receipt of Social Security disability benefits, on February 3, 2010, defendant's supervised release conditions were modified to include a special condition requiring defendant to complete up to a 180-day residential reentry center placement.

On March 5, 2010, defendant began the residential re-entry center placement at Arc Dayton in Madison, Wisconsin.

On March 5, 2010, defendant violated Standard Condition No. 1, prohibiting her from leaving the district without permission, when she traveled to the Northern District of Ohio without permission. On March 5, 2010, defendant violated Standard Condition No. 3, requiring her to follow the instructions of the probation officer, when she failed to remain at Arc Dayton as instructed. On March 5, 2010, she violated Special Condition No. 7, requiring participation in a residential re-entry center placement, when she walked away from the facility.

Defendant's conduct falls into the category of Grade C violations. Section 7B1.3(a)(2) of the advisory guidelines provides that the court has the discretion to revoke supervised release, extend it or modify the conditions of release upon a finding of a Grade C violation.

CONCLUSIONS

Defendant was on supervised release for less than one day when she walked away from Arc Dayton, left Wisconsin, and absconded from supervision. Her violations warrant revocation.

Defendant's criminal history category is IV. With Grade C violations, defendant has an advisory guideline range of imprisonment of 6 to 12 months. The statutory maximum to which defendant can be sentenced upon revocation is 24 months, under 18 U.S.C. § 3583(e)(3), which provides that a person whose term of supervised release is revoked may not be required to serve more than two years if the offense for which defendant was sentenced previously was a Class C felony.

After reviewing the non-binding policy statements of Chapter 7 of the Sentencing Guidelines, I have selected a sentence at the top of the guideline range. The intent of this sentence is to take into account defendant's personal history and non-compliant behavior that began on her initial day of supervision. This sentence is also intended to provide specific deterrence and protection of the community.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on November 8, 2006, is REVOKED and defendant is committed to the custody of the Bureau of Prisons for a term of 12 months and one day. No supervision shall follow.

Defendant does not have the financial means or earning capacity to pay the cost of her incarceration.

Entered this 13th day of April 2010.

BY THE COURT:

BARBARA B. CRABB
Chief District Judge